

AMNESTY INTERNATIONAL:

RECOMMENDATIONS AHEAD OF THE BRUSSELS V CONFERENCE ON SUPPORTING THE FUTURE OF SYRIA AND THE REGION, MARCH 2021

This paper outlines Amnesty International's key recommendations to the EU and EU member states participating in the Brussels V Conference on Supporting the Future of Syria and the Region.

Millions of Syrian refugees are unable to return to the country due to ongoing violations of international human rights law and international humanitarian law by all parties to the conflict. Refugees continue to face mounting challenges and risks in host countries where they sought protection. Refugees in Syria's neighbouring countries continue to be subjected to barriers that hinder access to services and aid, leading many to live in dire conditions. These host states have also forcibly returned Syrian refugees in recent years despite this putting their lives and freedoms at serious risk. Refugees in European countries have also struggled, albeit on a smaller scale, to exercise their right to seek asylum. In recent years, some EU member states have changed their assessment of the risk in certain areas in Syria, leading to a possible removal of some Syrian refugees' protection status. For instance, Denmark and Sweden consider that Syrians in areas such as Damascus and its suburbs are not at risk of general violence, and Germany has allowed deportations of Syrians convicted of serious crimes.

Ten years into the conflict, insecurity continues to endanger the lives of civilians in Syria. They continue to suffer from a range of gross human rights violations committed by parties to the conflict with impunity. The Syrian government has restricted access of humanitarian aid organizations and subjected many individuals to arbitrary detention, torture and other ill-treatment, and enforced disappearance. The Syrian government continues to withhold the fate and whereabouts of tens of thousands of civilians. The threat of renewed air attacks by the Syrian government on civilians in north-west Syria, looms large. The authorities continue to fail in adequately protecting health workers from COVID-19 or providing a robust response to the spread of the disease and transparent and consistent information about the country's outbreak. Although to a lesser extent, the situation of civilians living in areas under the control of armed groups follow a similar pattern whereby armed opposition groups, arbitrarily detained, abducted, tortured, and disappeared many individuals.

Amnesty International calls on the EU and its member states to consider the following key issues at the forthcoming Brussels conference and in any communications around the conference:

SUPPORT TO REFUGEES

- The EU and its member states should protect all people entering the EU from land and sea borders, including Syrian refugees, ensuring safe access to the territory and access to protection procedures.
- EU member states should take a fair share of responsibility and increase relocation of Syrian refugees from the countries where they arrive to in the EU. EU member states should also ensure Syrian refugees have the right to seek asylum through full access to fair and efficient asylum procedures.

PUSHBACKS, FORCIBLE RETURN AND REFOULEMENT

- **Immediately halt pushbacks, collective expulsions and other practices resulting in refoulement of Syrian refugees and refrain from them in the future.** For example, in April 2020 Amnesty International documented violence and push backs of Syrian refugees by Greek security forces in February and March 2020, following Turkey's unilateral

declaration that its border with the EU would be open.¹ Amnesty International also has evidence that point to this pattern in more recent times.²

- **Maintain protection to Syrian refugees living in Europe and do not restrict asylum qualification criteria.** According to the European Asylum Support Office's assessment, the "level of indiscriminate attacks" has decreased in some areas of Syria. Yet, Amnesty International believes that this criteria is not sufficient to determine the safety of return to Syria. Amnesty International's research shows that Syrians are still at risk of persecution and other human rights violations, including in Damascus and its suburbs. Amnesty International has documented cases of refugees who were arbitrarily detained, tortured and/or forcibly disappeared when returning to Syria.³ Amnesty International believes that Syrian refugees continue to qualify for protection and urges EU Member States to reverse recent decisions that risk to deprive some Syrians of their protected status as also echoed by the European Parliament in its resolution of 11 March 2021.
- **Immediately stop any "voluntary return" programme or incentive and urge Syria's neighbouring countries to do the same.** "Voluntary return" programmes or incentives can only be promoted when there are the conditions for Syrian people to return to their home country freely, in safety and with dignity; but these international standards cannot currently be guaranteed in Syria. Syrians returning to their place of origin are requested to go through a "security clearance" involving interrogation by Syrian security forces responsible for widespread and systematic human rights violations and abuses constituting crimes against humanity. Therefore, their safety cannot be guaranteed. In addition, the decision to return may be influenced by restrictive policies, economic crises, and lack of legal status in Syria's neighbouring countries, raising doubts about the ability of Syrian refugees to provide truly free consent.⁴
- **Urge Syria's neighbouring countries, including Lebanon, Jordan, and Turkey, to put an end to forcible returns of refugees to Syria and to respect the principle of non-refoulement.** Amnesty International found that between August and September 2020 the Jordanian authorities had forcibly transferred at least 16 Syrian refugees, including eight children aged between four and 14, to the informal Rukban camp on the Jordan-Syria border.⁵ These conditions in the camp led one family who had been transferred by the Jordanian authorities to return to Syria in desperation. From May 2019 to the end of 2020, Lebanese authorities deported 6,002 Syrian men, women and child refugees back to Syria, including 863 in 2020, for entering the country "illegally" after 24 April 2019.⁶

Since 2014, Turkey has consistently and unlawfully deported hundreds of Syrian refugees back to Syria.⁷ In May 2020, Amnesty International documented the apparent forcible deportation by Turkish authorities of six Syrian men to northern Syria.⁸

SUPPORT AND PROTECTION TO REFUGEES AND NEIGHBOURING HOST COUNTRIES

- **Urge the Jordanian authorities to allow humanitarian aid and essential services to reach the Syria-Jordan Rukban crossing area, known as 'the berm', and allow those seeking medical treatment to access medical facilities in Jordan.** Amnesty International's research found that Rukban's 10,000 residents, displaced by the conflict in Syria, have not received humanitarian aid for a year and a half. They lack access to sufficient and affordable food, clean

¹ Amnesty International, *Caught in a political game*, April 2020, available at: <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>;

Amnesty International, Letter to Mr Juan Fernando López Aguilar, Member of the European Parliament, 3 July 2020, available at: https://www.amnesty.eu/wp-content/uploads/2020/07/AI-Advocacy-letter_LIBE_6-July-2020.pdf;

Amnesty International, *Fear and Fences*, 2015, available at: <https://www.amnesty.org/en/documents/eur03/2544/2015/en/>;

Amnesty International, *Frontier Europe*, 2013, available at: <https://www.amnesty.org/download/Documents/12000/eur250082013en.pdf>.

² Findings will be presented in a forthcoming report.

³ Findings will be presented in a forthcoming report.

⁴ Amnesty International, *Why are returns of refugees from Lebanon to Syria premature?* 12 June 2019, available at:

<https://www.amnesty.org/download/Documents/MDE1804812019ENGLISH.pdf>

⁵ Amnesty International, *Jordan: Stop forcible transfer of Syrian refugees to a no-man's land in the desert*, 15 September 2020, available at

<https://www.amnesty.org/en/latest/news/2020/09/jordan-stop-forcible-transfer-of-syrian-refugees-to-a-no-mans-land-in-the-desert/>

⁶ Letter from the Ministry of Justice to Amnesty International, 1 March 2021

<https://www.amnesty.org/en/latest/news/2019/08/lebanon-authorities-must-immediately-halt-deportation-of-syrian-refugees/>

⁷ Amnesty International, *Sent to a war zone, Turkey's illegal deportation of Syrian refugees*, 25 October 2019, available at:

<https://www.amnesty.org/download/Documents/EUR4411022019ENGLISH.pdf>

⁸ Amnesty International, *Turkey: halt illegal deportation of people to Syria and ensure their safety*, 29 May 2020, available at:

<https://www.amnesty.org/download/Documents/EUR4424292020ENGLISH.pdf>

water, sanitation and medical care. Because of the lack of adequate health care, pregnant women in need of caesarean sections are being forced to travel to give birth in territory controlled by the Syrian government. These women are then prevented by Syrian security forces from returning to their families in the camp.⁹ Amnesty International documented the case of a woman who gave birth to a still-born baby in the camp on 2 September 2020. A nurse who Amnesty International spoke to said that due to lack of access to potable water, amongst other reasons, the woman had very low amniotic fluid levels in her uterus resulting in stillbirth.¹⁰

- **Guarantee meaningful financial support to countries hosting large number of Syrian refugees and translate commitments to take on a fair share of responsibility for supporting Syrian refugees through:**
 - EU and member state contributions to UN inter-agency humanitarian appeals. The amounts committed and disbursed should be published annually.
 - Bilateral assistance – both financial and technical support, depending on the host country’s needs – to enable the host state to provide support to refugees and asylum-seekers, including ensuring access to adequate shelter, food, health care and education. The extent of such bilateral assistance should also be published annually.
- **Increase resettlement commitments for Syrian refugees and ensure their protection by providing them safe and legal routes.** EU member states should share responsibilities for refugees more equitably. In 2020, the UNHCR estimated that almost 580,000 Syrians were in need of resettlement, and 601,000 in 2019.¹¹ Meanwhile, in 2019, 20,089 Syrians resettled in Europe through the UN-Led resettlement scheme and under the 2016 EU-Turkey agreement scheme.¹² European countries can and should do more.
- **Urge neighbouring countries to respect, protect and fulfil refugees’ rights, especially the right to freedom, the right to be free from torture and other ill-treatment, the right to be free from discrimination.** Amnesty International has found that hundreds of Syrian men, women and children have been detained in Lebanon on terrorism-related charges since 2014, until present times, without due process and in many cases these detentions appeared to be driven by discrimination and/or the fact that these refugees were perceived to be opposing the Syrian government.¹³ Lebanese military and security forces have routinely subjected Syrian refugees to torture or other ill-treatment during their detention, including by resorting to methods of torture used in Syrian detention centers.
- **Urge governments of neighbouring countries to fully integrate Syrian refugees in their vaccine strategy and implementation plans.** Obstacles including lack of transportation, lack of information and access to online registration, and fear related to legal status should be removed. Vaccinations campaigns should not be used to detect Syrian refugees who do not hold valid residency documents and detain them or return them because of their irregular migration status.

HUMAN RIGHTS IN SYRIA

- **Strongly support the renewal of the UN cross-border aid mechanism for north-west Syria for a period of at least 12 months and reauthorize cross-border access to the north-east via the al-Yarubiyah border crossing, as envisaged in UN Security Council resolution 2165.** One of Amnesty International’s key concerns is the continued threat of another wave of hostilities in north-west Syria, including western Aleppo and Idlib governorates, and the ensuing mass displacement of civilians.¹⁴ Tens of thousands of people, displaced as a result of Syrian and Russian government attacks in 2020, continue to live in dire conditions with no access to sufficient food, clean water, sanitation or adequate shelter. Another relevant concern is the non-renewal of the UN cross-border mechanism,

⁹ Amnesty International, Jordan: Authorities must allow urgent medical care for displaced Syrians in Rukban during COVID-19, available at: <https://www.amnesty.org/en/latest/news/2020/05/jordan-authorities-must-allow-urgent-medical-care-for-displaced-syrians-in-rukban-during-covid19/>

¹⁰ Amnesty International, Jordan: Stop forcible transfer of Syrian refugees to a no-man’s land in the desert, 15 September 2020, available at <https://www.amnesty.org/en/latest/news/2020/09/jordan-stop-forcible-transfer-of-syrian-refugees-to-a-no-mans-land-in-the-desert/>

¹¹ UNHCR projected resettlement needs 2020

¹² Figures of 2020 were excluded because they may not be representative because of the restrictions imposed in order to curb the COVID-19 epidemic. UNHCR resettlement data portal

European Commission, “EU-Turkey Statement: Four Years On”, 2020.

¹³ <https://www.amnesty.org/en/documents/mde18/3671/2021/en/>

¹⁴ Amnesty International, *‘Nowhere is safe for us’: Unlawful attacks and mass displacement in north-west Syria* (Index: MDE 24/2089/2020).

established in UN SC resolution 2165 in 2014 and subsequently renewed since then. On 10 July 2021, UN SC Resolution 2533, which authorizes cross-border aid to people in north-west Syria, expires. The Security Council must renew cross-border aid to sustain the UN's ability to continue delivering food, medicine, and other essential aid across the border. The Syrian and Russian governments have argued that aid to the remaining opposition-held pocket can be delivered from areas under the control of the Syrian government. It is unrealistic to expect aid from within the country, which requires the authorization of a government that has a track record of curtailing assistance. The non-renewal of the resolution and subsequent end to the UN's direct involvement will prevent Syrian organizations from effectively continuing their work as they rely heavily on the UN for funding as well as other crucial functions such as coordinating and facilitating the humanitarian response.

- **Urge Iran, Russia, and Turkey to ensure the release of all people arbitrarily detained and abducted by the Syrian government and armed opposition groups and to ensure that the fate and whereabouts of people subjected to enforced disappearance is disclosed.** In March 2021, the UN Commission of Inquiry on Syria published a report documenting detention-related violations committed by all parties to the conflict since 2011.¹⁵ The report findings show that the Syrian government continues to arbitrarily detain individuals and subject them to torture and other ill-treatment and enforced disappearance. In addition, detainees are held in inhumane conditions including overcrowded cells without adequate access to food, clean water, sanitation, and health care. Many have died due to severe injuries caused by torture and other ill-treatment. Although to a lesser extent than the Syrian government, armed opposition groups also committed violations in detention including arbitrary detention, abduction, torture and other ill-treatment, and disappearance.¹⁶

In light of the COVID-19 pandemic, the EU should urge Russia, Iran and Turkey to ensure that parties to the conflict secure the release of all prisoners of conscience – political activists, human rights defenders, and others imprisoned solely for peacefully exercising their rights, as well as to consider the early or conditional release of prisoners at high risk, such as older prisoners or those with serious medical conditions.

- **Ensure that COVID-19 vaccines supplied to Syria through COVAX reach the most vulnerable in all areas under the control of the Syrian government, including the north-east.** Thousands of lives continued to be at risk with no transparent and effective information, or testing.¹⁷ Relatives of COVID-19 patients, medical professionals and humanitarian workers have said that public hospitals had been forced to turn patients away due to a lack of beds, oxygen tanks and ventilators. In desperation, some residents were forced to rent oxygen tanks and ventilators at exorbitant fees. The Syrian government's inadequate distribution of PPE has endangered the lives of health workers.

RIGHT TO TRUTH AND JUSTICE

- **Continue to provide consistent support to the International Impartial and Independent Mechanism (IIIM) and ensure that national investigatory and prosecuting bodies collecting information from victims and witnesses in Europe enhance their coordination and the exchange of information with the IIIM.**
- **EU member states should continue to support the exercise of universal jurisdiction and establish, where not in place, an adequate legal framework for prosecuting international crimes before national courts.**¹⁸ To date, universal jurisdiction has been the only means for Syrians hoping to see justice for war crimes and crimes against humanity. In April 2020 the Higher Regional Court in the German city of Koblenz began hearing evidence in the cases of Anwar Raslan and Evad al-Gharib. On 24 February 2021, the court convicted Eyad al-Gharib, a Syrian security officer, to four-and-a-half years in prison for crimes against humanity for his role in aiding and abetting the

¹⁵ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/46/55.

¹⁶ Free Syrian Army, Turkish-backed Syrian National Army, Hay'at Tahrir al-Sham, Islamic State and Syrian Kurdish-led forces.

¹⁷ Amnesty International, *Syria: Lack of adequate COVID-19 response puts thousands of lives at risk*, (Press release, 12 November),

<https://www.amnesty.org/en/latest/news/2020/11/syria-lack-of-adequate-covid-19-response-puts-thousands-of-lives-at-risk/>

¹⁸ EU member states can support universal jurisdiction by: establishing, where not in place, an adequate legal framework for prosecuting crimes under international law wherever they have been perpetrated; ensuring adequate resources are provided for specialized war crimes units within law enforcement and prosecutorial bodies; Adequately communicating to Syrian refugees, asylum seekers and the broader public, how victims or witnesses of crimes under international law can contact the specialized war crimes units; protecting witnesses and victims in domestic systems, and cooperate with the IIIM in this regard, including by entering into witness protection agreements with the mechanism.

torture of detained protesters in Damascus.¹⁹ This historic verdict was the first of its kind for crimes under international law committed by a Syrian government official and would not have been possible without Syrian human rights organizations.

Amnesty International welcomes recent calls by the European Parliament²⁰ urging EU member states to better coordinate and harmonise member state resources and efforts to prosecute war criminals, including through the exchange of information on suspects of war criminals; to appoint a designated prosecutor for crimes under international law and to ensure closer cooperation between immigration authorities and public prosecutors on suspected war criminals at national level.

Amnesty International also calls on the EU and its member states to:

- Ensure adequate resources are provided for specialized war crimes units within law enforcement and prosecutorial bodies;
- Adequately communicate to Syrian refugees, asylum seekers and the broader public, how victims or witnesses of crimes under international law can contact the specialized war crimes units;
- Protect witnesses and victims in domestic systems, and cooperate with the IIIM in this regard, including by entering into witness protection agreements with the mechanism.

¹⁹ Amnesty International, *Germany/Syria: Conviction of Syrian official for crimes against humanity a historic victory for justice*, (Press release, 24 February 2021), <https://www.amnesty.org/en/latest/news/2021/02/germany-syria-conviction-of-syrian-official-for-crimes-against-humanity-a-historic-victory-for-justice/>

²⁰ European Parliament resolution of 11 March 2021 on the Syrian conflict – 10 years after the uprising (2021/2576(RSP)): https://www.europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html